

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:22-CR-57-TAV-DCP
LARICO LAMAR SMITH,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant's Motion to Continue Trial Date and Extend Other Deadlines [Doc. 16], filed on July 12, 2022. Defendant asks the Court to continue the August 23, 2022, trial date and all other deadlines. The motion relates that Defendant's counsel was appointed to represent him on June 21, 2022 [Doc. 13], after his previous counsel withdrew due to an actual conflict in representation [Doc. 10]. The deadline for Defendant to file pretrial motions is July 14, 2022 [Doc. 8 p. 4], less than 30 days after his current counsel's appointment. Defendant states that discovery is not extremely voluminous in this case, but it contains several hours of video and audio recordings that must be reviewed with Defendant in person as well as written discovery and over fifty (50) photographs. The Government provided initial discovery to Defendant's counsel on June 30, 2022, and additional discovery was provided on July 11, 2022. In addition, Defendant relates he is being detained at the Laurel County Correctional Center in London, Kentucky pending his trial in this matter, making communications with his counsel more difficult. For those reasons, Defendant's counsel states he needs additional time to review discovery and the facts and circumstances surrounding this matter, determine

whether pretrial motions are necessary, confer with Defendant, and otherwise prepare this matter for trial. The motion further relates that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of January 24, 2023.

The Court finds Defendant's motion [Doc. 16] is unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Based upon the representations in the motion, Defendant's counsel needs additional time to review discovery and the facts and circumstances surrounding this matter, consider whether pretrial motions are necessary and draft them if so, meet with Defendant, and otherwise prepare this case for trial. Thus, the Court concludes that without a continuance, Defendant would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Defendant's Motion to Continue Trial Date and Extend Other Deadlines [**Doc. 16**] is **GRANTED**. The trial of this case is reset to **January 24, 2023**. The Court finds that all the time between the filing of the motion on **July 12, 2022**, and the new trial date of **January 24, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(7)(A)–(B). The Court also sets a new schedule in this case, which is stated in detail below.

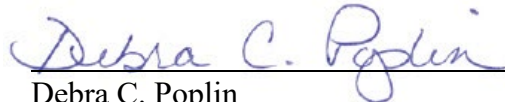
Accordingly, it is **ORDERED** as follows:

- (1) Defendant's Motion to Continue Trial Date and Extend Other Deadlines [**Doc. 16**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **January 24, 2023, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;

- (3) All time between the filing of the motion on **July 12, 2022**, and the new trial date of **January 24, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing pretrial motions is **August 26, 2022**, and responses will be due **September 9, 2022**. **Any necessary hearing on pretrial motions** will be set at a later date;
- (5) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **December 23, 2022**;
- (6) The parties are to appear before the undersigned for a final pretrial conference on **January 3, 2023, at 10:30 a.m.**;
- (7) The deadline for filing motions *in limine* is **January 9, 2023**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **January 13, 2023**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge